

## CHAPTER 5

### PEACETIME REAL ESTATE OPERATIONS IN FRIENDLY COUNTRIES

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#### 60. Development of Policies

a. The commander of the United States forces in a friendly country is responsible for establishing real estate policies and procedures, subject to the terms of the governing agreement and directives he receives from the Joint Chiefs of Staff. His authority over operations usually is delegated to the subordinate commander having the greatest responsibility for real estate, who establishes a central real estate office.

b. General policies and procedures are prescribed in directives similar to those discussed in paragraphs 31 and 82. Detailed policies are developed through the day-to-day solution of particular problems. For example, the basic agreement does not contain a specific reference to the method of securing easements. Real estate officers, however, after negotiating several individual easements with their counterparts in the civil government, will evolve a mutually acceptable policy which will form a precedent for all future transactions involving easements. Similarly, policies are developed concerning new acquisitions, water rights, air rights, rights-of-way, joint usage of installations, and so on. Annotated decisions on particular problems of policy and procedure are disseminated to all echelons of command having responsibility for real estate.

#### 61. Negotiating Agency

a. Real estate negotiations between the commander of the United States forces and the central government usually are conducted by a joint committee or similar agency composed of a representative (co-chairman) of each party to the agreement. Each co-chairman has one or more deputies and a staff. The co-chairman should be of equal rank and should alternate at meetings to insure equal representation. Since the theater J4 or G4 is responsible to the commander for real estate policy and its imple-

mentation, he may be appointed co-chairman for the United States forces.

b. The joint committee determines its own procedures and arranges for such auxiliary agencies and administrative services as may be required. The foreign government appoints representatives of the appropriate government departments. Similarly, the commander of the United States forces designates qualified representatives of the headquarters and services concerned. The committee is so organized that it can meet immediately at any time upon the request of either co-chairman.

c. The joint committee acts upon the recommendations of subcommittees and upon such other matters as it may consider appropriate. Recommendations from subcommittees are considered and either approved, amended, or rejected. Problems considered directly by the joint committee are negotiated, resolved, and approved. Approval, in either case, is noted by the signatures of the two chairmen. Minutes of all proceedings are kept, approved by the chairmen, and distributed as required to members of the joint committee, subcommittee chairmen, and appropriate echelons of the foreign government and of the United States forces. Because these procedures are time consuming, steps to acquire real estate facilities should be initiated as early as possible when a need is anticipated.

d. If the joint committee is unable to resolve any matter, the problem is referred to the respective governments for further consideration.

#### 62. Subcommittees

a. Technical problems concerning real estate operations are assigned by the joint committee to various subcommittees for negotiation. These subcommittees follow the same principles of Organization and procedure that guide the joint committee. As many subcommittees as are

necessary may be established, each specializing in a particular field of interest, such as facilities, telecommunications, labor, roads, aviation, roadsteads, harbors and docks, and so on. When required, panels staffed with technical personnel may be formed to resolve special problems.

b. The recommendations of a subcommittee are submitted to the joint committee in writing, signed by the cochairmen. Minutes of all proceedings are kept, approved by both chairmen, and distributed to interested agencies.

c. The facilities subcommittee is concerned with the acquisition and management of real estate. In view of its importance, the G4 of the command responsible for real estate may be designated as chairman for the United States forces. Military members should include the real estate officers of the theater J4 or G4 section, subordinate commands, and the Army, Navy, and Air Force commands. The extent of the workload may require a secretariat to provide the theater J4 or G4 with command supervision over the facilities occupied within the country and to advise the subcommittee chairman of matters that require negotiation.

### **63. United States Forces Secretariat**

a. All negotiations with the foreign government should be conducted at the highest command level. A secretariat or similar staff organization is established at this level to provide administrative services and to serve as an office of record for all agreements made by the United States forces with the government. If the theater embraces more than one country, a secretariat may be provided for each country.

b. The minutes of all meetings conducted by negotiating agencies should be reproduced and distributed by the secretariat. In addition, the secretariat should issue, preferably in standard looseleaf form, copies of all agreements that make, modify, or affirm real estate policy. These should be codified so as to provide a reference by subject, number, and date for each agreement.

### **64. Operations Directive**

Real estate procedures are prescribed in the operations directive (par. 32) issued by the commander of the United States forces. This directive should be fully coordinated with the

appropriate officials of the national government. Agreement should be reached concerning routine procedures and the preparation, processing, and distribution of real estate documents.

### **65. Organization**

a. Peacetime real estate operations in friendly countries require an engineer real estate organization similar to that discussed in chapter 2, modified to meet the requirements imposed by the status and employment of the United States forces. The organization shown in figure 1 generally is suitable.

b. The nature of the field organization required will depend upon whether or not a post engineer organization exists and has assumed accountability for real estate. If no post engineer organization is functioning, field real estate operations are conducted by AERE teams assigned on an area basis.

### **66. Post Engineer Procedures**

a. United States forces and installations in a friendly country during peacetime usually are limited to specific post areas provided by the host nation. The real estate functions of the post commander are delegated to his staff engineer, who is responsible for the acquisition, management, utilization, and disposal of real estate within the post area.

b. The staff of the post engineer includes a real estate officer who handles all real estate transactions. He maintains the only office of record for real estate operations within the area of responsibility, regardless of whether the facilities were acquired for the Army, Navy, or Air Force. Additional officers at subposts may be appointed to assist the post real estate officer. The office of record for property accountability is maintained by the officer responsible for post repairs and utilities.

c. At the time of acquisition of property, the post real estate officer, accompanied by the owner or an authorized representative of the civil authority, prepares an inventory and condition report and other prescribed acquisition documents. A set of these forms is transmitted through the post commander to the repairs and utilities officer concerned to establish accountability for the property.

*d.* The post commander, or his designated representative, signs the acquisition documents to acknowledge assumption of command responsibility and designates the post agency that will have user responsibility for the property. The using agency assumes this responsibility upon completion of a joint inventory taken at the time of transfer.

## **67. Joint Use of Installations**

*a.* The joint use of installations by agencies of the United States (such as by Army or Air Force) or by United States agencies and those of another country, requires an agreement approved by the major commanders concerned. This agreement should clearly define the authority, obligations, and responsibilities of each party. A joint use agreement should include—

- (1) Official designation of the parties to the agreement.
- (2) Purpose of the agreement.
- (3) Specific references to, and description of, the real estate to be used by the tenant agency, including a detailed plot plan.
- (4) Statement of the use to be made of the real estate by the tenant agency.
- (5) Date the agreement becomes effective and the period it extends.
- (6) Provisions concerning such personnel and administrative matters as the following:
  - (a) Primary responsibility and command jurisdiction.
  - (b) Number and status of personnel involved and logistical support, including housing to be provided for them.
  - (c) Recreational, morale, and welfare facilities, to include theaters, clubs, special service facilities, and so on.
  - (d) Employment processing and general administration of United States and indigenous personnel required by the tenant agency.
  - (e) Medical and dental facilities and services.
  - (f) Transportation facilities and services.

- (7) Provision for coordinating and resolving minor problems not covered specifically by the agreement.
- (8) Provision concerning new construction or alterations sponsored by the tenant agency, including the ultimate disposition of the property.
- (9) Provision delineating responsibilities for the use, care, and protection of property supplied by the host agency.
- (10) Provision concerning repairs and utilities support to be furnished by the host agency and reimbursement therefor, including --
  - (a) Fire prevention and protection.
  - (b) Electricity.
  - (c) Heat or fuel, or both.
  - (d) Building repair and general maintenance.
  - (e) Sewage disposal.
  - (f) Water.
- (11) Provision concerning communications facilities and services to be provided by the host agency.
- (12) Provision for subsequent amendment or termination of the agreement.

*b.* Joint use agreements may be amended or terminated only after approval has been granted by the authorities originally approving the agreement, unless the agreement provides otherwise.

## **68. Additional Acquisitions**

*a.* The acquisition of additional real estate not provided under the basic agreement may be negotiated with authorized representatives of the host nation by the United States members of the joint committee or similar agency or by the commander charged with real estate responsibility for the country. When the latter is the Army commander, he may establish a central negotiating agency with the secretariat as a part of his staff under the supervision of G4 or the real estate officer.

*b.* Requests for the acquisition of new real estate are initiated and processed according to the requirements of the operations directive. A written request containing justification for the acquisition of the property and describing it in sufficient detail to permit accurate identifica-

tion, is submitted to the negotiating agency. When the request has been approved by the negotiating agency, the requesting unit and the appropriate foreign government official are notified. Their representatives and the owner or, in the case of government-owned real estate, the responsible government officials, will then make a detailed survey of the property.

c. After the survey, a formal request is submitted in prescribed form. The following detailed information is required:

- (1) Description of the area or facility, including size of the land area, number of buildings, total floor area, type of construction, and general condition of structures. A schedule of facilities, attached as an inclosure, describes the construction of individual buildings and gives their floor areas.
- (2) Location: address, map coordinates, identification on local tax or property registers.
- (3) Ownership:
  - (a) Name, nationality, and address of owner.
  - (b) Annual rental value.
  - (c) Estimate of initial cost of occupancy, including the cost of required alterations and repairs.
  - (d) The reason that premises are not considered suitable in their present condition. (The selection or leasing of properties requiring extensive alterations or repairs to put them in a satisfactory condition must be avoided whenever possible.)
- (4) The purpose for which the property is required and justification, including factual data indicating that the acquisition is part of an approved program.
- (5) Identification of any properties which may be released as a result of the new acquisition, including all types of real estate interests (leases, easements, licenses).
- (6) Estimated term of occupancy.
- (7) Date on which facilities must be available.

(8) Number of civilians to be evicted, roads to be relocated or closed, railroads to be relocated, crops to be removed or destroyed, and similar major actions changing the present nature of the property.

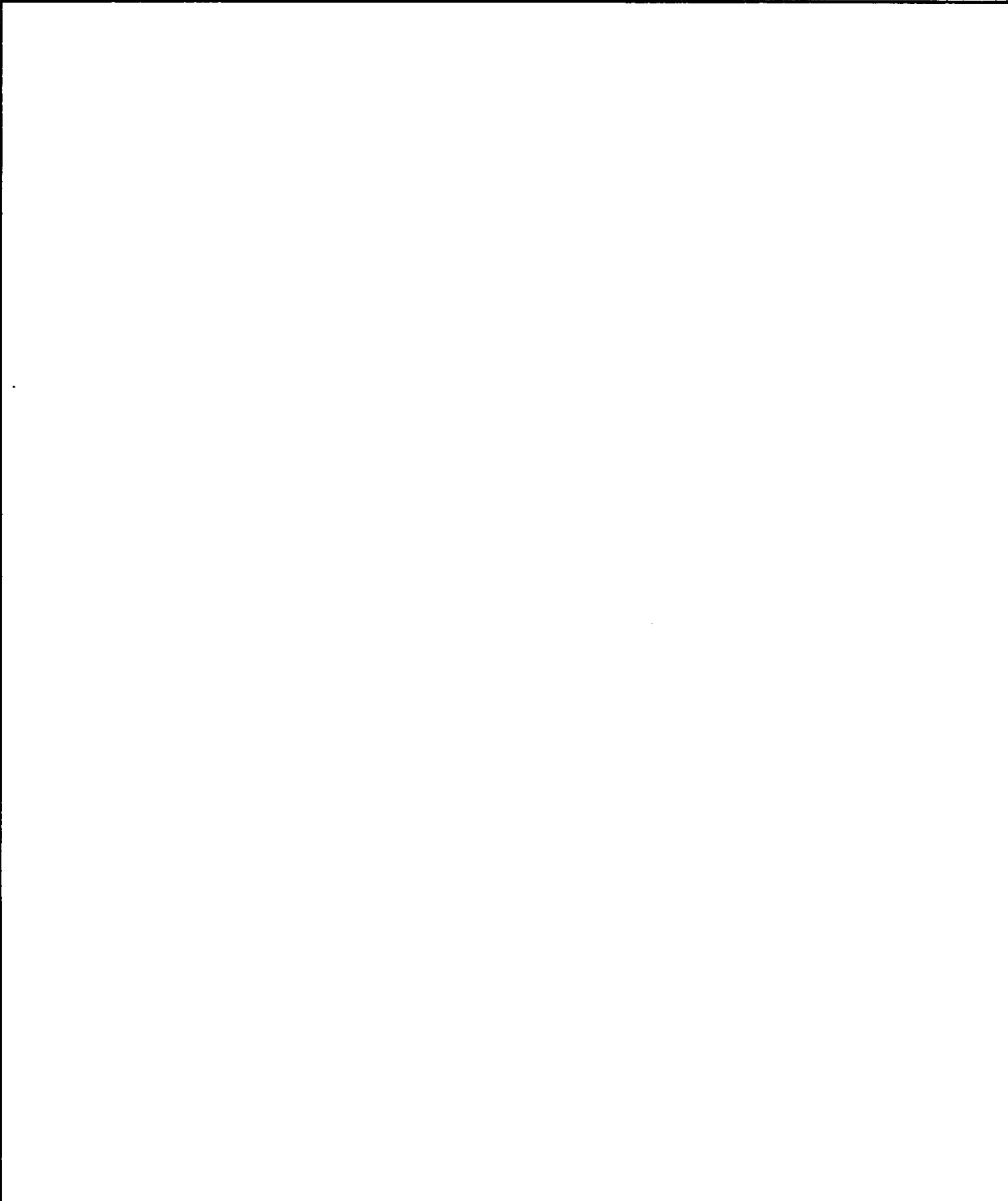
(9) Overlays or plot plans in the number of copies required. These should show boundaries, existing structures, improvements, cultivated areas, utilities, wells, and other essential features. Forms such as the one illustrated in figure 8 may be prescribed.

d. The request is reviewed by the real estate office. This review includes consideration of—

- (1) The completeness and accuracy of the submitted data.
- (2) Clarity and readability of the plot plan or overlay.
- (3) Comparison of the size of the property with the space requirements of the requesting unit.
- (4) Whether the unit can be accommodated in existing installations that are not being fully utilized.
- (5) Whether plans contemplate other uses for the requested property.

e. After review by the real estate office, the request is transmitted to the negotiating agency for consideration. When an agreement approving the acquisition has been reached, the request and copies of the agreement are returned to the real estate office for documentation. The approved request is then transmitted to the requesting unit.

f. Upon receipt of the approved request, representatives of the unit and the responsible government agency make a careful survey of the property, ascertaining its boundaries as finally authorized. An inventory of removable property also is prepared. Complete agreement must be reached regarding the boundaries, the schedule of facilities, the inventory, and the physical condition of the property. When agreement has been reached on all these details, the host government will be requested to make the facilities available. If the host government finds that it cannot grant the request the matter will be referred to the proper committee for renegotiation.

PLOT PLAN	PROCUREMENT NO.	DATE
<p>THE PLOT PLAN SHOWN BELOW WILL BE AS ACCURATE AS POSSIBLE AND TO THE MOST APPROPRIATE SCALE, DEPENDING UPON THE SIZE OF THE AREA. BUILDINGS SHOWN ON THE PLOT PLAN WILL BE IDENTIFIED SO AS TO CORRESPOND WITH THOSE SHOWN ON THE CONDITION AND INVENTORY REPORTS. PLOT PLAN WILL BE REVISED WHEN ADDITIONAL IMPROVEMENTS ARE CONSTRUCTED, ADDITIONAL PROPERTY ACQUIRED, OR PORTIONS OF PROPERTY RELEASED.</p>		
		

**ALL ITEMS OF INFORMATION WILL BE SHOWN IN BOTH ENGLISH AND THE LANGUAGE OF THE COUNTRY CONCERNED**

*Figure 8. Typical form for plot plan.*

## 69. Utilization

The real estate office is responsible for insuring that all property held by the United States forces is utilized to the maximum extent consistent with health and efficiency standards. This objective may be achieved by—

a. *Review of Requests.* Requests for additional real estate are based upon an essential requirement that is imposed by the mission of the requesting agency. The real estate office reviews all such requests to determine that they represent an actual need, that the requested facility or area will be adequate for its intended purpose, and that no other suitable property already assigned to the United States forces is available.

b. *Utilization Inspections.*

- (1) Periodic utilization inspections (AR 40570) are essential to insure that real property is being used efficiently for its assigned purpose and that the using agencies do not retain property that is no longer necessary for their present or anticipated needs. The real estate office must conduct continuing inspections of all facilities and areas to insure that the space utilization criteria of the command (AR 41531) are not exceeded without justification.
- (2) All surplus real estate must be released promptly to save the United States Government from unwarranted expenses arising from rentals, utilities, maintenance, and security. Further, the retention of surplus property may impose a hardship upon citizens of the host nation, thereby creating reactions unfavorable to the United States Government.
- (3) Accurate utilization surveys make it possible for higher headquarters to fill the real estate needs of subordinate commands by the reallocation of surplus property.

c. *Utilization of Installations Report.* The Utilization of Installations Report is prepared from the real estate records maintained by post engineers or AERE teams. This consolidated report shows the gross capacities of installations occupied by United States forces and is used by

higher echelons of command to approve requests for construction and for additional facilities. Because of its importance in real estate planning, this report is prepared with great care and contains the most accurate data available.

## 70. Management

The internal management of assigned facilities and areas is a command responsibility of the occupying unit. General policy is determined and announced by the commander of United States forces. All transactions directly affecting the property, such as those involving outgrants, should be conducted by the central real estate office.

## 71. Major Alterations

a. Major alterations which will appreciably affect the original purpose or design of a property are approved by the central real estate office before the work is begun. Proposed changes should be coordinated with appropriate authorities of the host government, even though their official concurrence is not required by any agreement.

b. Real estate officers should review each proposed alteration project to determine whether it will represent a liability when the property is released. If a liability would result, that aspect of the request must be brought to the attention of the commander responsible for United States forces real estate. Real estate officers do not, however, disapprove command requirements for alteration or modification of existing facilities without the concurrence of the commander responsible for United States forces real estate.

c. Trees and shrubs within the confines of a military installation will not be cut or removed without the written approval of the responsible real estate officer. Except in the case of military emergency, the real estate officer obtains concurrence from an authorized agent or agency of the host government before any trees are cut or wooded areas cleared. Concurrence of the host or local government, whichever is applicable, is required before excavating construction materials, such as sand and gravel. This is a particular requirement when the proposed excavation may cause a major change in the topo-

graphic features of an area or may affect its future use. Whenever practicable, excavation sites should be selected with a view to disturbing the future use and appearance of an area as little as possible.

## 72. Outgrants

a. An *outgrant* is a license or lease giving permission to occupy facilities and installations controlled by the United States forces for private nonmilitary purposes. Approval of the joint committee or similar negotiating agency is required before an outgrant can be issued.

b. A *license* is a bare authority to do a specified act or series of acts upon land under the control of the United States forces. The principal effect of a license is to authorize acts which otherwise would constitute a trespass. A license is issued for a limited period and is granted by installation commanders only when it will result in a direct benefit to the United States forces or to the installation. It may be terminated at any time at the discretion of the commander who issues it. Normally, no money consideration is involved, although there may be provisions concerning maintenance and repair obligations and the payment of utilities charges. Since a license is personal in nature, the licensee cannot assign or sublet the property to another and cannot use it for any purpose not expressed in the license. Figure 9 illustrates a type license form. Licenses customarily are issued to authorize the use of land and facilities for such installation services as—

- (1) Transportation (parking lots, passenger shelters, and dispatch booths for buses and taxis).
- (2) Military banking facilities.
- (3) Red Cross facilities.
- (4) Telephone and telegraph facilities.

c. *Leases* granted by the United States forces provide for the maintenance, repair, or restoration of the property concerned. Leases ordinarily provide that the tenant will keep the property in good repair and return the premises in as good condition as they were at the time of entering, except for reasonable wear and tear, unavoidable damage by the elements, or other circumstances over which the tenant had no control.

d. Periodic inspections are made by repre-

sentatives of the commander responsible for United States forces real estate operations and by local installation commanders to insure that holders of outgrants are complying with the conditions of the grants.

e. Outgrant instruments (contracts) usually provide that requests to renew or extend them must be initiated according to the procedures required to secure the original outgrant and submitted in sufficient time to permit the completion of action before the outgrant expires.

## 73. Quarters for Indigenous Personnel

a. Family type quarters may be provided for indigenous personnel employed on a United States forces installation as a result of --

- (1) Inadequate public transportation to off-post housing areas.
- (2) Shortage of housing facilities within a reasonable distance of the installation.
- (3) Requirements for emergency, standby technical, utility, or supervisory employees.

b. There are usually many complex civil relations problems involved in approving outgrants for this type of real estate. Consequently, commanders normally will restrict such authorizations to an absolute minimum number and where possible will make the local government officials a party to the outgrant document. Licenses to occupy family type quarters usually are granted for a one-year period only, and the usage is restricted to immediate members of the licensee's family. Reimbursement is required for utilities and similar services, but rent is not charged unless the facilities are constructed by or at a cost to the United States Government.

## 74. Eviction of Civilians

a. In the process of acquiring real estate, the eviction of civilians may be necessary. All evictions should be handled by officials of the host government, without interference or assistance from the United States forces. Plans should allow sufficient time to permit an orderly relocation of the persons who are displaced. Wherever practicable, proposed facilities and installations should be sited in locations that require minimum disruption of the civilian community.

<b>LICENSE</b> <b>FOR THE USE OF REAL ESTATE IN _____ 1/</b>		(Appropriate Headquarters Heading)					
ISSUED TO _____		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center; padding: 2px;">FOR PERIOD</th> </tr> <tr> <td style="width: 50%; padding: 2px;">BEGINNING</td> <td style="width: 50%; padding: 2px;">ENDING</td> </tr> </table>		FOR PERIOD		BEGINNING	ENDING
FOR PERIOD							
BEGINNING	ENDING						
AS SHOWN IN "RED" ON EXHIBIT, ATTACHED HERETO AND MADE A PART HEREOF:							
REVOCABLE AT WILL BY THE (Appropriate Major Commander)							
<p>THIS LICENSE IS GRANTED SUBJECT TO THE FOLLOWING PROVISIONS AND CONDITIONS:</p> <ol style="list-style-type: none"> <li>1. ISSUED WITHOUT CHARGE.</li> <li>2. THAT THE EXERCISE OF THE PRIVILEGES HEREBY GRANTED SHALL BE WITHOUT COST OR EXPENSE TO THE UNITED STATES; UNDER THE GENERAL SUPERVISION AND SUBJECT TO THE APPROVAL OF THE OFFICER HAVING IMMEDIATE JURISDICTION OVER THE PROPERTY, AND SUBJECT ALSO TO SUCH REGULATIONS AS MAY BE PRESCRIBED BY HIM FROM TIME TO TIME.</li> <li>3. THAT ANY PROPERTY OF THE UNITED STATES DAMAGED OR DESTROYED BY THE LICENSEE INCIDENT TO THE EXERCISE OF THE PRIVILEGES HEREIN GRANTED SHALL BE PROMPTLY REPAIRED OR REPLACED BY THE LICENSEE TO THE SATISFACTION OF THE SAID OFFICER, OR IN LIEU OF SUCH REPAIR OR REPLACEMENT THE LICENSEE SHALL, IF SO REQUIRED BY THE SAID OFFICER, PAY TO THE UNITED STATES MONEY IN AN AMOUNT SUFFICIENT TO COMPENSATE FOR THE LOSS SUSTAINED BY THE UNITED STATES BY REASON OF DAMAGE TO OR DESTRUCTION OF GOVERNMENT PROPERTY.</li> <li>4. THAT THE UNITED STATES SHALL NOT BE RESPONSIBLE FOR DAMAGES TO PROPERTY OR INJURIES TO PERSONS WHICH MAY ARISE FROM OR BE INCIDENT TO THE EXERCISE OF THE PRIVILEGES HEREIN GRANTED, OR FOR DAMAGES TO THE PROPERTY OF THE LICENSEE, OR FOR INJURIES TO THE PERSON OF THE LICENSEE OR FOR DAMAGES TO THE PROPERTY OR INJURIES TO THE PERSON OF THE LICENSEE'S OFFICERS, AGENTS, SERVANTS, OR EMPLOYEES OR OTHERS WHO MAY BE ON SAID PREMISES AT THEIR INVITATION OR THE INVITATION OF ANY ONE OF THEM, ARISING FROM UNITED STATES GOVERNMENTAL ACTIVITIES ON THE SAID PREMISES, AND THE LICENSEE SHALL HOLD THE UNITED STATES HARMLESS FROM ANY AND ALL SUCH CLAIMS.</li> <li>5. THAT, ON OR BEFORE THE DATE OF EXPIRATION OF THIS LICENSE OR ITS RELINQUISHMENT BY THE LICENSEE, THE LICENSEE SHALL VACATE THE SAID GOVERNMENT PREMISES, REMOVE ALL PROPERTY OF THE LICENSEE THEREFROM, AND RESTORE THE PREMISES TO A CONDITION SATISFACTORY TO THE SAID OFFICER, DAMAGES BEYOND THE CONTROL OF THE LICENSEE AND DUE TO FAIR WEAR AND TEAR EXCEPTED. IF, HOWEVER, THIS LICENSE IS REVOKED, THE LICENSEE SHALL VACATE THE PREMISES, REMOVE SAID PROPERTY THEREFROM, AND RESTORE THE PREMISES AS AFORESAID WITHIN SUCH TIME AS THE ISSUING AUTHORITY MAY DESIGNATE. IN EITHER EVENT, IF THE LICENSEE SHALL FAIL OR NEGLECT TO REMOVE SAID PROPERTY AND SO RESTORE THE PREMISES, THEN, AT THE OPTION OF THE ISSUING AUTHORITY SAID PROPERTY SHALL EITHER BECOME THE PROPERTY OF THE UNITED STATES WITHOUT COMPENSATION THEREFOR, OR THE ISSUING AUTHORITY MAY CAUSE THE PROPERTY TO BE REMOVED AND THE PREMISES TO BE RESTORED AT THE EXPENSE OF THE LICENSEE, AND NO CLAIM FOR DAMAGES AGAINST THE UNITED STATES OR ITS OFFICERS OR AGENTS SHALL BE CREATED BY OR MADE ON ACCOUNT OF SUCH REMOVAL AND RESTORATION WORK.</li> </ol>		<p>ADDITIONAL PROVISIONS AND CONDITIONS (If applicable)</p>          <p style="text-align: center;">IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND BY DIRECTION OF _____</p> <p style="text-align: center;">(Appropriate Commander)</p> <p>THIS _____ DAY OF _____, 19____.</p>  <p style="text-align: center;">_____ (Signature)</p>  <p>THE ABOVE INSTRUMENT, TOGETHER WITH THE PROVISION AND CONDITIONS THEREOF, IS HEREBY ACCEPTED</p> <p>THIS _____ DAY OF _____, 19____.</p>					

1/ INSERT TITLE OF COUNTRY CONCERNED.

Figure 9. Typical license for the use of real estate.



b. Except in tactical emergencies or at the termination of an outgrant, all requests involving the eviction of civilians must be submitted through the central real estate office for approval by the commander responsible for United States forces real estate.

## **75. Razing of Structures**

a. Authorization must be secured from the central real estate office before a foreign-owned structure may be razed. This may be necessary to dispose of—

- (1) Buildings or improvements which cannot be kept in repair at a reasonable cost.
- (2) Buildings or improvements which are dangerous to life; are likely to damage adjoining structures; have become hazards or nuisances; must be removed to provide proper security for an installation, to create a fire break, or to permit new construction to proceed.
- (3) Temporary buildings or improvements which have served the purpose for which they were constructed.
- (4) Buildings or improvements which have deteriorated or are damaged to such a degree as to render them unsuitable for further service.

b. The following supporting information should be included with all requests to raze a structure:

- (1) Statement indicating ownership of property.
- (2) Reason structure(s) must be razed (new construction, elimination of sanitary hazards, etc.).
- (3) Estimated value of structure at time of original occupancy.
- (4) Estimated present value of structure.
- (5) Salvage value of materials.
- (6) Copy of report of survey or board of officers report prepared in connection with damage or destruction of property.
- (7) Cost of razing or removing and availability of funds if to be performed by United States forces.

(8) Statement from appropriate government agency that the foreign government will accept full responsibility for razing and removing, if it is to be done by the government or a private owner.

(9) Statement from the government agency concerned that the structure has been examined, and that the government consents to the razing.

(10) Proposed disposition of salvage materials. (Salvageable United States owned materials or equipment resulting from the razing of a structure, if not to be reused immediately, are shipped to the nearest engineer depot or turned in to an authorized storage or stockage point for reissue.)

## **76. Requests for Return**

If an owner petitions for the release of property occupied by the United States forces and his petition is approved by the appropriate government agency, the request is submitted to the joint negotiating agency for consideration.

## **77. Release**

a. Each proposed release also should be considered in the light of possible future emergency requirements. Airfields and landing strips should not be released without the stipulation that they may be used for emergency service by aircraft of the United States forces. Property released to the host government should, whenever possible, be accompanied by a recapture provision that will permit immediate re-acquisition in the event of an emergency.

b. Requests to release excess real estate usually are submitted to the central real estate office for approval on a prescribed form similar to that shown in figure 10. Supporting information will include—

- (1) Plot plans that clearly identify the property to be released.
- (2) Value of improvements made by the United States forces, estimated cost of removal, time required for removal, and any damage to the building that would result from removal.

c. When release of the property has been approved, advance notice in writing of the

intention to return the property must be given to the appropriate government agency. Advance notice of the return must conform to procedures set forth in applicable local laws or in agreements made by the negotiating agency.

*d.* Equipment which was installed in or on a building or structure at the time the United States forces assumed control will not be removed prior to its being released. United States Government property installed after the United States forces assumed control is removed unless—

- (1) The acquisition agreement specifically states that such property will remain as part of the building or structure.
- (2) The removal of such property would damage the building or structure rendering it unfit for use or occupancy.
- (3) The cost of removing the equipment and putting the building or structure in its original condition would exceed the

monetary or logistical value of the property.

- (4) The accepting individual or agency is amenable to the property remaining in the building or structure.
- (5) The accepting individual or agency desires the property to remain in the building or structure and agrees to pay the United States Government a fair price for the equipment.

*e.* Duds and other explosive ammunition must be removed or detonated prior to the release of maneuver areas, target ranges, bombing ranges, and impact areas. In cases where other military operational requirements preclude fulfillment of this requirement, the area in question must be clearly marked with warning signs and, normally, special arrangements made to have the area cleared. When other military forces are not available to accomplish the task, it may prove practicable to assist in the training of local nationals to clear such areas.

<b>REQUEST FOR APPROVAL TO DISPOSE OF REAL PROPERTY UTILIZED BY UNITED STATES FORCES, _____</b>						<b>REQUEST DATE</b>	
<b>TO:</b>					<b>FROM: (Name and address of Responsible Installation)</b>		
<b>I. IDENTIFICATION OF PROPERTY FOR DISPOSAL</b>							
1. ENG. FORM 1266 NO.		2. IPNR NO.		3. FACILITY NO.		4. LEASE NO.	
5. NAME OF INSTALLATION					6. PROPERTY ADDRESS (Town, City, Prefecture and Country)		
7. PARTIAL OR TOTAL DISPOSAL OF				8. TOTAL SQUARE FEET FOR RELEASE		9. NO. BLDGS FOR RELEASE	
	1266	FAC	IPNR	LEASE	LAND	FLOOR SPACE	
PARTIAL							
TOTAL							
10. A. LIST STRUCTURES TO BE RELEASED AS REPORTED ON PARTS A AND B, ENG. FORM 1266. INCLUDE ITEM, LINE, AND BUILDING NOS. AS APPLICABLE							
10. B. BRIEF DESCRIPTION (Type construction, use, condition, etc.):							
<b>EXPRESS IN US DOLLARS</b>				16. PROPOSED DISPOSITION OF SALVAGE MATERIALS (Return to Stock, Released to Foreign Government, etc.)			
11. VALUE AT ACQUISITION							
\$							
12. PRESENT VALUE							
\$							
13. SALVAGE VALUE							
\$							
14. COST OF RAZING							
\$							
15. FUNDS AVAILABLE?				17. APPROVAL OF GOVERNMENT HAVING JURISDICTION ATTACHED			
<input type="checkbox"/> YES <input type="checkbox"/> NO				<input type="checkbox"/> YES <input type="checkbox"/> NOT REQUIRED (If "Yes", attach approval as inclosure)			

✓ INSERT TITLE OF THEATER OF OPERATIONS OR COMMAND.

Figure 10. Typical request for approval to dispose of real property.

18. LIST OF BLDGS AND STRUCTURES PROCURED AT NO COST TO U.S. (Include hardstands, roads, etc.)					
BLDG. NO.	COST(US Dollars)	TYPE FUNDS	CONVERSION RATE	SQ. FT.(Note 1)	SQ. FT.(Note 2)
TOTAL VALUE IN(US Dollars)					
(Note 1: List additions to original structures)			(Note 2: List structures added in entirety since acquisition)		
19. CONSTRUCTION AUTHORITY					
20. REASON FOR DISPOSAL AND REMARKS:					
II RECOMMENDED FOR DISPOSAL					
TYPED NAME, RANK AND TITLE OF RESPONSIBLE OFFICER			SIGNATURE		
TYPED NAME, RANK AND TITLE OF APPROPRIATE OFFICER(See Note)			SIGNATURE		
TYPED NAME, RANK AND TITLE OF INSTALLATION COMMANDER			SIGNATURE		
III ACTION BY AGENCY AUTHORIZED FINAL DISPOSITION					
(Check applicable box)		A. PROPERTY WILL BE			
<input type="checkbox"/> APPROVED					
<input type="checkbox"/> DISAPPROVED					
		B. OTHER			
DATE APPROVED		NAME AND RANK OF INDIVIDUAL		SIGNATURE	

NOTE:(Use in cases of taxing, sanitary nuisances, safety hazards, etc., and will be signed by the medical officer, the safety officer, the fire marshal etc., as applicable.)

Figure 10.—Continued.